

CONFERENCE CS FOR SENATE BILL NO. 131

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-SECOND LEGISLATURE - SECOND SESSION

BY THE CONFERENCE COMMITTEE

Offered: 5/18/22 Calendar

Sponsor(s): SENATORS HOLLAND, Gray-Jackson

REPRESENTATIVES Tuck, Drummond, Tarr, Josephson

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the presumption of compensability for a disability resulting from**
2 **certain cancers in firefighters; relating to the payment of workers' compensation**
3 **benefits in the case of permanent partial impairment; relating to the payment of**
4 **workers' compensation death benefits; and providing for an effective date."**

5 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

6 *** Section 1.** AS 23.30.121(b) is amended to read:

7 (b) For a firefighter covered under AS 23.30.243,

8 (1) there is a presumption that a claim for compensation for disability
9 as a result of the following diseases is within the provisions of this chapter:

10 (A) respiratory disease;

11 (B) cardiovascular events that are experienced within 72 hours
12 after exposure to smoke, fumes, or toxic substances; and

13 (C) the following cancers:

14 (i) primary brain cancer;

- (ii) malignant melanoma;
- (iii) leukemia;
- (iv) non-Hodgkin's lymphoma;
- (v) bladder cancer;
- (vi) ureter cancer;
- (vii) kidney cancer; [AND]
- (viii) prostate cancer; **and**
- (ix) breast cancer;**

(2) notwithstanding AS 23.30.100(a), following termination of service, the presumption established in (1) of this subsection extends to the firefighter for a period of three calendar months for each year of requisite service but may not extend more than 60 calendar months following the last date of employment;

(3) the presumption established in (1) of this subsection applies only to an active or former firefighter who has a disease described in (1) of this subsection that develops or manifests itself after the firefighter has served in the state for at least seven years and who

(A) was given a qualifying medical examination upon becoming a firefighter that did not show evidence of the disease;

(B) was given an annual medical exam during each of the first seven years of employment that did not show evidence of the disease; and

(C) with regard to diseases described in (1)(C) of this subsection, demonstrates that, while in the course of employment as a firefighter, the firefighter was exposed to a known carcinogen, as defined by the International Agency for Research on Cancer or the National Toxicology Program, and the carcinogen is associated with a disabling cancer.

* **Sec. 2.** AS 23.30.121(f) is amended to read:

(f) In this section, "firefighter" **means**

(A) a person employed by a state or municipal fire department or who is a member of a volunteer fire department registered with the state fire marshal; or

(B) a person registered for purposes of workers'

compensation with the state fire marshal as a member of a volunteer fire department [HAS THE MEANING GIVEN IN AS 09.65.295].

* **Sec. 3.** AS 23.30.190(a) is amended to read:

(a) In case of impairment partial in character but permanent in quality, and not resulting in permanent total disability, the compensation is **\$273,000** [\$177,000] multiplied by the employee's percentage of permanent impairment of the whole person. The percentage of permanent impairment of the whole person is the percentage of impairment to the particular body part, system, or function converted to the percentage of impairment to the whole person as provided under (b) of this section. The compensation is payable in a single lump sum, except as otherwise provided in AS 23.30.041, but the compensation may not be discounted for any present value considerations.

* **Sec. 4.** AS 23.30.215(a) is amended to read:

(a) If the injury causes death, the compensation is known as a death benefit and is payable in the following amounts to or for the benefit of the following persons:

(1) reasonable and necessary funeral expenses not exceeding **\$12,000** [\$10,000];

(2) if there is a widow or widower or a child or children of the deceased, the following percentages of the spendable weekly wages of the deceased:

(A) 80 percent for the widow or widower with no children;

(B) 50 percent for the widow or widower with one child and 40 percent for the child;

(C) 30 percent for the widow or widower with two or more children and 70 percent divided equally among the children;

(D) 100 percent for an only child when there is no widow or widower;

(E) 100 percent, divided equally, if there are two or more children and no widow or widower;

(3) if the widow or widower remarries, the widow or widower is entitled to be paid in one sum an amount equal to the compensation to which the widow or widower would otherwise be entitled in the two years commencing on the

1 date of remarriage as full and final settlement of all sums due the widow or widower;

2 (4) if there is no widow or widower or child or children, then for the
 3 support of father, mother, grandchildren, brothers, and sisters, if dependent **on**
 4 [UPON] the deceased at the time of injury, 42 percent of the spendable weekly wage
 5 of the deceased to such beneficiaries, share and share alike, not to exceed **\$150,000**
 6 [\$20,000] in the aggregate;

7 (5) **\$8,000** [\$5,000] to a surviving widow or widower, or equally
 8 divided among surviving children of the deceased if there is no widow or widower.

9 * **Sec. 5.** AS 23.30.215 is amended by adding a new subsection to read:

10 (j) A death benefit payable to a child under (a)(2)(D) or (E) of this section
 11 continues until the child reaches 23 years of age, unless extended under
 12 AS 23.30.395(8).

13 * **Sec. 6.** The uncodified law of the State of Alaska is amended by adding a new section to
 14 read:

15 APPLICABILITY. AS 23.30.121(b), as amended by sec. 1 of this Act, and
 16 AS 23.20.121(f), as amended by sec. 2 of this Act, apply to claims made on or after the
 17 effective date of secs. 1 and 2 of this Act.

18 * **Sec. 7.** This Act takes effect January 1, 2023.